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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/823,363

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Robert H. Miller

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EXAMINER

ANWAH, OLISA

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,363

Applicant(s)

MILLER ET AL.

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 24-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-13, 15-20 and 24-41 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7-23-2004</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-10, 12, 13, 15-19, 24, 29, 30 and 38-41 are rejected under 35 U.S.C. § 102(e) as being anticipated by Lambke, U.S. Patent No. 6,788,767 (hereinafter Lambke).

Regarding claim 1, Lambke discloses a method for returning a phone call based on information in a voicemail message corresponding with the phone call, the method comprising:

receiving the voicemail message;

applying service logic to analyze the voicemail message to extract a spoken phone number included in the voicemail message;

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associating the extracted phone number with the voicemail message; and

in conjunction with retrieving the voicemail message, providing a recipient of the voicemail message with an option to dial the extracted phone number (see Figures 3A-B).

Regarding claim 2, see columns 6 and 7.

Regarding claim 3, see columns 6 and 7.

Regarding claim 4, see columns 6 and 7.

Regarding claim 5, see columns 6 and 7.

Regarding claim 6, see columns 6 and 7.

Regarding claim 7, see columns 6 and 7.

Regarding claim 8, see columns 6 and 7.

Regarding claim 9, see column 7.

Regarding claim 10, see column 7.

Regarding claim 12, see column 7.

Regarding claim 13, see columns 6 and 7.

Regarding claim 15, Lambke discloses a method for returning a phone call from a voicemail service comprising:

receiving a voicemail message at a voicemail user interface of the voicemail service;

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determining an originating telephone number associated with the voicemail message;

communicating the voicemail message to a message store;

communicating the voicemail message to a message processing entity;

analyzing the voicemail message using machine executable instructions included in the message processing entity, so as to extract a spoken phone number contained in the voicemail message;

associating the extracted phone number with the voicemail message in the message store; and

in conjunction with retrieving the voice mail message;

providing a recipient of the voicemail message separate options to dial one of the originating phone number and the extracted phone number when the originating phone number and the extracted phone number are different; and

providing the recipient of the voicemail message with a single option to dial the originating phone number when the originating phone number and the extracted phone number are the same (see Figures 3A-B).

Regarding claim 16, see column 6.

Regarding claim 17, see column 6.

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Regarding claim 18, see column 6.

Regarding claim 19, see column 4.

Regarding claim 24, see column 6.

Regarding claim 29, see columns 6 and 7.

Regarding claim 30, Lambke discloses a voicemail system comprising:

- a voicemail user interface;

- a message store operatively coupled with the voicemail user interface; and

- a voicemail message processor operatively coupled with the message store, wherein the voicemail message processor comprises service logic for:

 - analyzing the content of the voicemail message received at the voicemail user interface;

 - extracting a spoken phone number included in the voicemail message; and

 - communicating the extracted phone number to the message store, the extracted phone number being associated with the voicemail message in the message store, and wherein the voicemail user interface comprises service logic for providing a recipient of the voicemail message an

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option to dial the extracted phone number in response to the voicemail message (see Figures 3A-B).

Regarding claim 38, see column 7.

Regarding claim 39, see column 7.

Regarding claim 40, see column 7.

Regarding claim 41, see column 4.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 20, 31-33, 35 and 37 are rejected under 35 U.S.C § 103(a) as being unpatentable over Lambke in view of Hu, U.S. Patent Application Publication No. 2004/0264667 (hereinafter Hu).

As for the issue of claim 20, Lambke does not disclose preprocessing the voicemail mail message comprises applying service to modify the voicemail message by allowing a caller

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leaving the voicemail message to effect changes in the content of the voicemail message. All the same, Hu discloses this limitation (see Figure 3B). As a result it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lambke with Hu's feature of allowing a caller leaving the voicemail message to effect changes in the content of the voicemail message. This modification would have improved the user friendliness of Lambke by allowing a caller to review the message before sending the message as suggested by Hu (see paragraph 0051).

On the issue of claim 31, Lambke discloses:

capturing and storing, at least temporarily, a voicemail message from a caller,

communicating the voicemail message to the message store;
and

providing the option to the recipient of the voicemail message to dial the extracted phone number (see columns 6 and 7).

With further respect to claim 31, Lambke does not explicitly mention playing a greeting to a caller, the greeting prompting the caller to leave the voicemail message. All the

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same, Hu discloses this feature (see paragraph 0038). And so, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lambke with the prompt of Hu. This modification would have improved the user friendliness of Lambke by instructing the caller on how to leave a message as suggested by Hu (see paragraph 0038).

As per claim 32, see column 6 of Lambke.

As per claim 33, see column 7 of Lambke.

As per claim 35, see column 1 of Lambke.

As per claim 37, see column 6 of Lambke.

5. Claims 11 and 26-28 are rejected under 35 U.S.C § 103(a) as being unpatentable over Lambke in view of Kermani, U.S. Patent No. 6,567,506 (hereinafter Kermani).

With respect to claim 11, Lambke does not explicitly mention that analyzing the voicemail message comprises employing the grammars to determine the presence of two, three and four digits number in the voicemail message. Nonetheless, Kermani discloses this limitation (see column 5). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lambke wherein analyzing the voicemail message comprises employing the grammars to

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determine the presence of two, three and four digits number in the voicemail message. This modification would have improved the convenience of Lambke by allowing the minimum digit threshold to be configurable by the user as suggested by Kermani (see column 5).

Regarding claim 26, Lambke teaches providing the recipient of the voicemail message the option to dial the extracted phone number (see columns 6 and 7). Lambke does not explicitly teach employing one of a text-to-speech converter and a digital audio file player to recite the extracted phone number. However Kermani discloses this limitation (see abstract). And so, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lambke with employing one of a text-to-speech converter and a digital audio file player to recite the extracted phone number as taught by Kermani. This modification would have improved the convenience of Lambke by allowing the user to confirm the data sequence is the desired telephone number as suggested by Lambke (see column 8).

Regarding claim 27, Lambke does not explicitly teach the extracted phone number is stored in the message store in a text data field associated with the voicemail message. However

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Kermani discloses this limitation (see column 8). And so, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lambke wherein the extracted phone number is stored in the message store in a text data field associated with the voicemail message as taught by Kermani. This modification would have improved the convenience of Lambke by allowing the user to make a side-by-side comparison as suggested by Kermani (see column 8).

As per claim 28, Lambke does not explicitly disclose a portion of the voicemail message containing the extracted phone number is stored in the message store in a digital audio file associated with the voicemail message. Yet, Kermani discloses this teaching (see abstract). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lambke wherein a portion of the voicemail message containing the extracted phone number is stored in the message store in a digital audio file associated with the voicemail message as taught by Kermani. This modification would have improved the efficiency of Lambke by allowing a user to review small portions of a very long message as suggested by Kermani (see column 2).

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6. Claim 25 is rejected under 35 U.S.C § 103(a) as being unpatentable over Lambke in view of Yue et al, U.S. Patent No. 5,937,0500 (hereinafter Yue).

Regarding claim 25, Lambke does not explicitly teach providing the recipient of the voicemail message the option to dial the originating phone number comprises employing one of a text-to-speech converter and a digital audio file player to recite the originating phone number using the voicemail user interface. Nonetheless, Yue discloses this feature (see column 8). For this reason, it would have been obvious to one of ordinary skill in the art to modify Lambke with providing the recipient of the voicemail message the option to dial the originating phone number by employing one of a text-to-speech converter and a digital audio file player to recite the originating phone number using the voicemail user interface as taught by Yue. This modification would have improved the user convenience of Lambke by providing envelope information as suggested by Yue (see column 8).

7. Claims 34 and 36 are rejected under 35 U.S.C § 103(a) as being unpatentable over Lambke combined with Hu in further view of Brown et al, U.S. Patent Application Publication No. 2003/0026392 (hereinafter Brown).

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Regarding claim 34, the combination of Lambke and Hu does not teach the alternative phone number is included, and associated with the originating phone number, in an address book database operatively coupled with one of the voicemail user interface and the voicemail message processor. However Brown discloses this limitation (see Figure 9). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Lambke and Hu wherein the alternative phone number is included, and associated with the originating phone number, in an address book database operatively coupled with one of the voicemail user interface and the voicemail message processor as taught by Brown. This modification would have improved the system's user friendliness by providing a contacts list and a list of phone numbers as suggested by Lambke (see column 5).

Regarding claim 36, the combination of Lambke and Hu does not teach the voicemail user interface includes machine readable instructions to determine the alternative phone number by comparing the originating phone number with previously stored information associated with the recipient of the voicemail message. However Brown discloses this limitation (see Figure 9). Therefore it would have been obvious to one of ordinary skill in

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the art at the time the invention was made to further modify the combination of Lambke and Hu wherein the voicemail user interface includes machine readable instructions to determine the alternative phone number by comparing the originating phone number with previously stored information associated with the recipient of the voicemail message as taught by Brown. This modification would have improved the system's user friendliness by providing a contacts list and a list of phone numbers as suggested by Lambke (see column 5).

Allowable Subject Matter

8. The prior art of record does not disclose comparing the extracted phone number with an alternative number associated with the originating number and in the event that the extracted number matches the alternative number, responsively determining not to provide the recipient of the voicemail message with a duplicate option to dial the alternative number. Consequently, claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

O.A.
Olisa Anwah
Patent Examiner
August 24, 2006

Olisa Anwah